

Additional Information on the operation of the Family Responsibilities Commission

The Family Responsibilities Commission (FRC) is a Queensland statutory body, established by the *Family Responsibilities Commission Act 2008* (Qld) (the FRC Act). The FRC commenced operation on 1 July 2008 and started holding conferences in August 2008. The FRC is comprised of a Commissioner and local commissioners and is supported by an administrative structure known as the Registry.

The Commissioner of the FRC is Mr David Glasgow, a former Senior Magistrate, and the local commissioners are respected members of each of the four welfare reform communities, who were formally appointed by the Queensland Government. The role of the FRC is to restore local Indigenous authority, facilitate early intervention, support the restoration of socially responsible behaviour and make appropriate use of community support services.

Notification to the FRC

People living in the welfare reform communities (Aurukun, Coen, Hope Vale and Mossman Gorge) who are in receipt of a relevant income support payment or participating in the CDEP scheme on or after 1 July 2008, or their partners, can be notified to the FRC if any of the following events occur:

- the person's child has three absences in a school term without reasonable excuse or a child is not enrolled in school without lawful excuse
- the person is the subject of a child safety notification
- the Magistrates Court convicts the person of an offence, or
- the person breaches his or her social housing-owned tenancy agreement.

The FRC can hold a conference with the person if any of the four trigger events occur. It is at the discretion of the FRC Commissioner to hold a conference and it is possible that the FRC Commissioner may choose not to act in response to a notification, or to prioritise some matters above others. The FRC Commissioner will take a range of matters into consideration when deciding whether to act on a notification, including, seriousness of the matters raised in the notification, and whether the person is subject to other agency notifications. He will also seek views from local commissioners to assist him to decide whether to hold a conference with a person.

The FRC's jurisdiction applies only in Queensland and therein to in-scope members of the welfare reform communities irrespective of whether a person is Indigenous or non-Indigenous. The FRC's jurisdiction continues to apply if the person leaves the welfare reform community but will cease to apply if a person ceases to be a welfare recipient as defined by the legislation. IM notices however follow the person anywhere in Australia.

The conduct of conferences

The FRC will make every reasonable effort to meet with a person in conference. The conference will involve the Commissioner and two local commissioners from the person's community. The conference is intended to provide an opportunity for the

FRC to work directly with individuals to change behaviours and for individuals to agree to take steps to change behaviours. If a person refuses to meet with the FRC, the FRC can still make a decision about the person. Under the FRC Act, the FRC must make at least two attempts to meet with the person in conference before taking a decision in the person's absence.

The FRC has considerable discretion and each conference involves three decision-makers (the FRC Commissioner and the two local commissioners). The conference decisions will be based on the majority vote of two members.

Where relevant, agreements from community members will be sought for participation in Family Income Management (FIM). Income management via Centrelink is a compliance or stabilisation measure when other strategies have failed, or when community members will not use FIM.

A range of decisions, of which IM is only one, might occur as a result of a conference to encourage a person to adopt more socially responsible standards of behaviour.

The FRC could decide to:

- take no further action
- give the person a “warning”
- recommend the person attend a community support service
- come to an agreement with the person about attending a community support service
- direct a person to attend a community support service, or
- if the person or their partner is in receipt of a relevant income support payment, direct Centrelink to income manage some or all of the person's payments.

The FRC will seek to reach agreement with a person about the steps they need to take to change their behaviours, including IM. These agreements will be recorded in a Family Responsibilities Agreement and a FRC Case Plan. If the FRC fails to reach agreement, they can still make a “compulsory direction” requiring the person to attend a service or can issue an income management notice (IM notice).

Monitoring of conference outcomes

While monitoring of a FRC Case Plan will occur primarily in consultation with service providers, the decision-making authority about whether a person is complying with an FRC Case Plan will remain with the FRC.

The FRC may take into consideration a range of known circumstances for a person in order to assess the level of their compliance with a FRC Case Plan, including advice from local commissioners, government agencies and other community members.

If the FRC identifies a breach of an agreement or direction about attendance at community support services, it may, at the discretion of the FRC Commissioner, hold a “show cause” conference involving the Commissioner and local commissioners.

At this conference commissioners will discuss the person's behaviour and the actions they have taken. As a result of this conference, the FRC may choose to take no further action or to amend the FRC Case Plan, including issuing IM notices or issuing

a new IM notice increasing the proportion of payments under management, or the period in which IM should take place.

Mr Glasgow has indicated that if a person consistently fails to attend FRC conferences or fails to abide by agreements or orders of the FRC, he and the other commissioners may decide to issue an IM notice to Centrelink.

If a person is on an IM notice and is the subject of further agency notifications, the FRC may initiate another conference. Mr Glasgow has advised that as an outcome of that conference, the FRC may decide to revoke the existing IM notice and issue a new notice, which may income manage a higher proportion of payments.

Links to relevant legislation

The relevant Queensland legislation is the *Family Responsibilities Commission Act 2008* and the *Family Responsibilities Commission Regulation 2008*.

A copy of the Act is available at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/F/FamRespComA08.pdf>

A copy of the Explanatory Note to the Family Responsibilities Bill 2008 is available at http://www.legislation.qld.gov.au/Bill_Pages/Bill_52_08.htm

Please note that minor amendments were made to the Act during the Parliamentary process: these are available at http://www.legislation.qld.gov.au/Bill_Pages/Bill_52_08.htm

A copy of the Family Responsibilities Commission Regulation 2008 is available at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/F/FamRespComR08.pdf>

The relevant Commonwealth legislation is Part 3B of the *Social Security (Administration) Act 1999* (the Act). A compilation of this Act is available at

<<http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/52CEC2D0853B73EBCA25745C0015B419?OpenDocument>>.

References

Aboriginal Child Sexual Assault Taskforce (2006), *Breaking the Silence: Creating the Future, Addressing Child Sexual Assault in Aboriginal Communities in NSW*, Attorney-General's Department, Sydney.

Aboriginal and Torres Strait Islander Health and Welfare Unit, Australian Institute of Health and Welfare & Office for Aboriginal and Torres Strait Islander Health, Australian Government Department of Health and Ageing, (2008) *Progress of the Northern Territory Emergency Response Child Health Check Initiative: Health Conditions and Referrals*, Canberra.

<<http://www.health.gov.au/internet/main/publishing.nsf/Content/nterchciProgressReport>>.

Australian Defence Force (2008), *Army Aboriginal Community Assistance Program, Information Brief, 2 May 2008*,

<http://www.defence.gov.au/publications/080502_AACAP.pdf>.

Australian Institute of Health and Welfare: Al-Yaman F, Van Doeland M & Wallis M (2006), *Family Violence among Aboriginal and Torres Strait Islander People*, Cat No IHW17, Canberra:AIHW,

<<http://www.aihw.gov.au/publications/index.cfm/title/10372>>.

Australian Parliament (2007), House of Representatives Hansard, 7 August 2007, p. 68.

Australian Public Service Commission, (2007), *Tackling wicked problems: A public policy perspective*, Canberra

<<http://www.apsc.gov.au/publications07/wickedproblems.htm>>.

Blagg H, (2003) *An Overview of Night Patrol Services in Australia*, (2003), Attorney-Generals' Dept, Canberra.

<[http://www.crimeprevention.gov.au/agd/www/rwpattach.nsf/personal/5F8FC82F1B5448FCCA256E6F00070F68/\\$FILE/NightPatrol.htm](http://www.crimeprevention.gov.au/agd/www/rwpattach.nsf/personal/5F8FC82F1B5448FCCA256E6F00070F68/$FILE/NightPatrol.htm)>.

Cape York Institute for Policy and Leadership, (2007), *From Hand Out to Hand Up, Cape York Welfare Reform Project, Aurukun, Coen, Hope Vale, Mossman Gorge, Design recommendation*, Cairns.

Commonwealth Grants Commission (2001), *Report on Indigenous Funding, Commonwealth Grants Commission*, Commonwealth Grants Commission, Canberra.

Council of Australian Governments (2006), *Council of Australian Governments' Meeting 14 July 2006 Communique*, Canberra,

<<http://www.coag.gov.au/meetings/140706/index.htm>>.

Department of Families, Community Services And Indigenous Affairs, (2006) *Discussion Paper, 'Access to Aboriginal Land under the Northern Territory Aboriginal Land Rights Act – Time for Change?'*, October 2006

<http://www.oipc.gov.au/permit_system/docs/permits_Discussion_Paper.pdf>.

Department of Families, Community Services and Indigenous Affairs, (2007) *Living in the Sunburnt Country, Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme, Final Report*, February 2007, PriceWaterHouseCoopers.

Department of Families, Housing, Community Services and Indigenous Affairs (2008), *Northern Territory National Emergency Response (NTER) Stores Post-Licensing Monitoring Report – Early Indications of Impact of Income management in Stores, First 20 Stores*, Canberra, <http://www.facsia.gov.au/nter/docs/reports/monitoring_report.htm>.

Department of Families, Housing, Community Services and Indigenous Affairs, (2008) *Northern Territory Emergency Response – One Year On*, Canberra, <http://www.facsia.gov.au/nter/docs/reports/one_year_on.htm>.

Gordon, S Hallahan, K Henry, D (2002), *Putting the picture together, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, Department of Premier and Cabinet, Western Australia.

Hope AN (2008), *WA Coroner, Record of Investigation into Death, Kimberley area*.

Hope AN (2008), *WA Coroner, Record of Investigation into Death, Oombulguri*.

Lateline, www.abc.net.au/lateline/.

Mullighan QC, Hon E P (2008), *Commission of Inquiry Report, Children on the APY Lands*, <http://www.service.sa.gov.au/ContentPages/sagovt/mullighaninquiry_apy.aspx>.

Northern Territory Emergency Response Taskforce (2008), *Final Report to Government*, June 2008, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, <http://www.facsia.gov.au/nter/docs/reports/taskforce_report.htm>.

Productivity Commission, *Overcoming Indigenous Disadvantage – Key Indicators reports 2003, 2005, 2007*.

Robertson, B (2000), *The Aboriginal and Torres Strait Islander Women's Taskforce on Violence Report*, Department of Aboriginal and Torres Strait Islander Policy and Development, Queensland, <<http://www.women.qld.gov.au/resources/indigenous/>>.

Senate Community Affairs Committee, (2006), *Beyond Petrol Sniffing: Renewing Hope for Indigenous Communities*, Parliament of Australia, Canberra, 26 June 2006 http://www.aph.gov.au/SENATE/COMMITTEE/CLAC_CTTE/completed_inquiries/2004-07/petrol_sniffing/report/c01.htm.

Valentin, JP (2007), *An Independent Assessment of Policing in Remote Indigenous Communities for the Government of Australia*, <http://www.facs.gov.au/Internet/Minister3.nsf/content/valentin_25may07.htm> .

Victorian Law Reform Commission (2004), *Sexual Offences Final Report*, Melbourne.

<<http://www.lawreform.vic.gov.au/wps/wcm/connect/Law+Reform/Home/Completed+Projects/Sexual+Offences/LAWREFORM+-+Sexual+Offences+-+Final+Report>> .

<<http://www.lawlink.nsw.gov.au/acsat>>.

Vos T, Barker B, Stanley L, Lopez AD, (2007), *The burden of disease and injury in Aboriginal and Torres Strait Islander peoples 2003*. Brisbane: School of Population Health, The University of Queensland

Wild, R & Anderson P, (2007) *Ampe Akelyernemane Mele Mekarle, Little Children are Sacred: Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, Darwin, NT: Northern Territory Government.